

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA**

United States of America,

Plaintiff;

v.

Terry S. Johnson, in his official capacity as
Alamance County Sheriff,

Defendant.

No. 12-cv-1349

UNITED STATES' MOTION TO SEAL

UNITED STATES' MOTION TO SEAL

On April 23, 2013, this Court entered the Parties' Joint Confidentiality and Protective Order, ECF 18 ("Confidentiality Order"). Pursuant to that Order, the United States now moves this Court to file under seal two exhibits in support of its Response in Opposition to Defendant's Motion to Compel, and to accept the filing of a redacted version of the United States' Opposition to Defendant's Motion to Compel.

The documents, Exhibit B and D, are, respectively, the United States' Initial Disclosures and the United States' Response to Defendant's First Set of Interrogatories. Pursuant to the Confidentiality Order, the United States marked Exhibit D "confidential" at the time that it provided the Response to Defendant. The United States submitted Exhibit B, its Initial Disclosures, to Defendant on March 7, 2013, prior to negotiating the Confidentiality Order with Defendant. These disclosures contain personally identifiable information. As such, the United States now designates its Initial Disclosures as confidential, pursuant to the Confidentiality Order, ¶ 3(b).

In addition, the United States asks the Court to accept the filing of a redacted version of the United States' Opposition to Defendant's Motion to Compel because the Opposition cites the deposition transcript of an ACSO officer that has been designated confidential pursuant to the Confidentiality Order.

According to the procedures contained in the Confidentiality Order, *see id.* at ¶8, the United States respectfully requests that this Court file Exhibits B and D under seal.

Respectfully submitted,

JONATHAN M. SMITH
Chief
Special Litigation Section

AVNER M. SHAPIRO
DC Bar Number: 452475
Special Counsel
Civil Rights Division

s/ Michael J. Songer
MICHAEL J. SONGER
DC Bar Number: 975029
Attorney
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Tel: (202) 514-6255
Fax: (202) 514-4883
michael.songer@usodj.gov

Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that the foregoing United States' Motion To Seal was served through the electronic filing service on July 1, 2013, to the following individual:

S.C. Kitchen
Turrentine Law Firm
920-B Paverstone Dr
Raleigh, NC 27615
ckitchen@turrentinelaw.com

Attorney for Defendant Sheriff Johnson

s/ Michael J. Songer
MICHAEL J. SONGER
Attorney for the United States